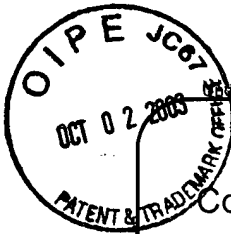


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PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/866,258
Filing Date	May 29, 2001
First Named Inventor	Copeland
Art Unit	1725
Examiner Name	Elve, M. Alexandra
Attorney Docket Number	P55668US01NJ

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## This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 50-0954
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 1720.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Nathan W. Johnson	Registration No. (Attorney/Agent)	44,173
Signature		Date	

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Nathan W. Johnson	Date	10/2/03
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Nathan W. Johnson

Direct Dial: Direct 205-521-8369  
Direct Fax: 205-488-6369  
NJohnson@BradleyArant.com



October 2, 2003

**VIA EXPRESS MAIL NO. EV193766191US**

Commissioner for Patents  
BOX RCE  
Washington, D.C. 20231

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Re: Request for RCE  
Serial No.: 09/866,258  
Inventor: Daniel Copeland  
Filed: May 29, 2001  
Examiner: Elve, M. Alexandra

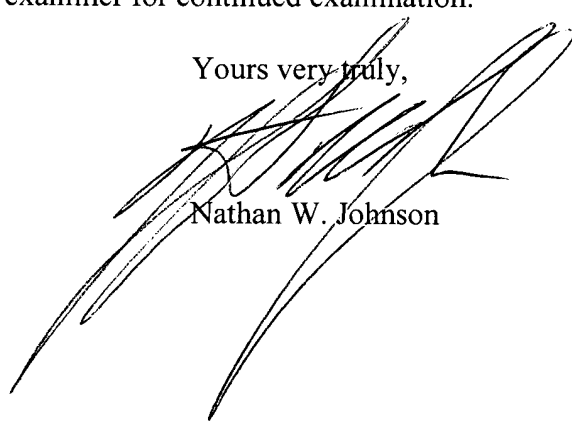
Dear Commissioner:

Please find enclosed a Request for Continued Examination, including

- a. An RCE Transmittal form PTO/SB/30,
- b. A Submission
- c. The proper fees for an RCE (\$770.00) and an extension of three months (\$950.00), totaling \$1,720.00.

Applicant hereby requests an extension of three months. Please accept, enter, and forward these materials to the examiner for continued examination.

Yours very truly,

  
Nathan W. Johnson

NWJ/rha

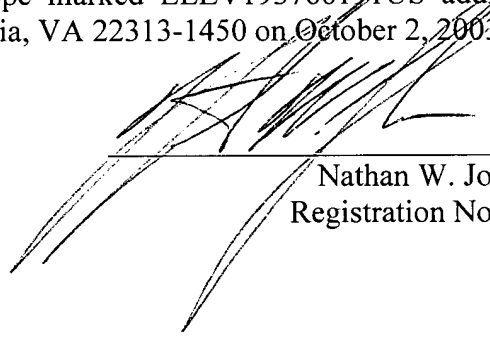
Commissioner of Patents  
October 2, 2003  
Page 2



**CERTIFICATE OF EXPRESS MAILING**

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I hereby certify that the enclosed cover letter, Request for Continued Examination Transmittal, Submission (being a Response to Office Action), regarding application Ser. No. 09/866,258, with the appropriate fees for a RCE (\$770.00) and an extension of three months (\$950.00), totaling \$1,720.00 are being deposited with the "Express Mail" service of the United States Postal Service in an envelope marked ELEV193766191US addressed to BOX RCE, Commissioner for Patents, Alexandria, VA 22313-1450 on October 2, 2003.

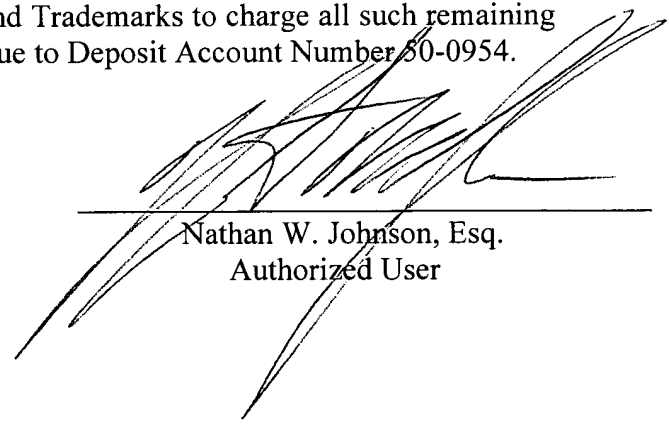


Nathan W. Johnson  
Registration No. 44,173

Date: October 2, 2003

**AUTHORIZATION TO CHARGE  
DEPOSIT ACCOUNT**

If, after processing the enclosed checks, any charges, fees, or sums due remain unpaid in connection with this correspondence, I hereby authorize the Commissioner of Patents and Trademarks to charge all such remaining fees, charges, and other sums due to Deposit Account Number 60-0954.



Nathan W. Johnson, Esq.  
Authorized User

App. Ser. No.: 09/866,258  
Filing Date: May 29, 2001  
Inventor: Copeland, Daniel  
Title: Method of Welding High  
Ductility Weld  
Responsive to: Office Action of 4/8/2003  
Examiner: Elve, M. Alexandra  
Art Unit: 1725



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AND TRADEMARK OFFICE

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## Submission Accompanying RCE

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

**REQUEST FOR CONTINUED EXAMINATION:** The Applicant hereby respectfully requests continued examination of Application Serial Number 09/866,258. In connection with this request, Applicant submits as its Submission under 37 C.F.R. 1.114(c) the Response and remarks attached hereto, in response to the Examiner's Office Action dated April 8, 2003. Reconsideration and reexamination in light of this submission is respectfully requested.

**EXTENSION REQUEST:** Applicant requests and petitions for an extension of three months, and attaches hereto the appropriate fee for such extension.

**RCE CONDITIONS SATISFIED:** This RCE and Submission satisfy all requirements:

- Prosecution is closed (37 C.F.R. 1.114(a)), because the application is subject to a final Office Action (37 C.F.R. 1.114(b)).
- Applicant requests continued examination (37 C.F.R. 1.114(a)), by virtue of the RCE Cover Sheet attached hereto and the above request.
- The Fee set forth in 37 C.F.R. 1.17(e) is included herewith by means of a check and an authorization to charge deposit account
- This filing is made prior to the abandonment of the application. No issue fee has been paid, and no notice of appeal has been filed.

**PROPER SUBMISSION:** This Submission is a Response filed to the Office Action dated April 8, 2003, further to conferences with the Examiner, but not subject to any prior formal response. This filing satisfies the submission requirement, MPEP 706.07.

*October 2, 2003*  
DATE Signed

Respectfully submitted,

*[Signature]*  
Nathan W. Johnson,  
Reg. No. 44173  
205-521-8369